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EXAMINER

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ART UNIT PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,379

Applicant(s)

AXELSSON ET AL.

Examiner

Kirubel Akililu

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/2/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-7, 10, 13, 22-28, and 33-34** are rejected under 35 U.S.C. 102(b) as being anticipated by Yuen et al. (WO 97/34414).

1. As for **Claim 1**, Yuen et al. teach an electronic program guide system associated with a broadcast receiver in a broadcast system (see fig. 2 and page 1 lines 7-9 “This invention relates to the field of television and more particularly to a method and apparatus for switching between a television viewing mode and a program guide mode in which video programs and related text are displayed simultaneously on a television screen”), said electronic program guide system comprising:

receiving means for receiving at least one electronic program guide corresponding to the broadcast system (see fig. 7 unit 20 TV is interpreted to be the means to receive the electronic program guide);

first display generation means for generating display of said electronic program guide in a first display area of a display unit associated with said broadcast receiver (fig.

Art Unit: 2614

1 unit 24 Microprocessor and unit 30 Video Processor meet the limitation for the display generation means. See pg. 5 lines 9-12 "the program listings are coded by day of the week, time of day, and channel so that they can be accessed by the microprocessor 24 when necessary to supply program schedule information to video processor 30 to compose the program listings and the program descriptions." See fig. 2 unit 46 program listings, pg. 6 lines 36-37 "Area 46 has a column for time and a column for program title, each line of area 46 represents a separate program listings." Area 46 is interpreted to be the first display area);

selecting means for selecting a desired program from said electronic program guide (see fig. 6 unit 50 Remote control, pg. 6 lines 26-28 "When the Guide/TV button is pressed this time, the channel data in video processor is retrieved by microprocessor 24 and transmitted to tuner 11 to set tuner to the highlighted channel, e.g. FOX 11, the case illustrated in FIG. 2" Remote control 50 is the selecting means for selecting a desired program from the electronic program guide.);

tuning means for controlling a tuner of the associated broadcast receiver to tune to the selected program (see fig. 1 unit 24 Microprocessor and unit 11 Tuner, pg. 5 lines 26-29 "by comparing the cursor position in the register 32 with the channel corresponding to the highlighted area of the video processor 30, the channel of the highlighted program is derived and coupled to the microprocessor 24. **The microprocessor 24 then sets the tuner 11 to this channel.**" Microprocessor 24 is interpreted to be the tuning means to control the tuner);

second display generation means for generating display of the selected program in a second display area of said display unit (see pg. 5 lines 30-33 "When the viewer finds the video program he or she wishes to watch, the viewer leaves the EPG. As a result, the microprocessor 24 switches the PIP chip 19 out of the PIP mode, such that the video program inputted from the tuner 11 is displayed full screen". Microprocessor 24 is interpreted to be the second display generation means and the full screen is interpreted to be the second display area of said display unit); and

storage means for storing parameters identifying said selected program (see fig. 1 unit 34 Last Channel Register, pg. 4 lines 31-32 "When the receiver is in the television viewing mode, the channel to which tuner 11 is set is stored in register 34."); and wherein additional program selections causes tuning and display of the additionally selected programs in the second display area and addition of parameters identifying the additionally selected programs to the storage means (see pg. 4 lines 33-34 "Each time tuner 11 is set to a new channel, the last channel data in register 34 is updated". Also see pg. 4 lines 22-24 "A television system according to the present invention provides the viewer with a last channel recall feature which allows the viewer to return to the last channel displayed full screen from the guide mode". It is interpreted that the parameter of the channel that is displayed in full screen (second display area) is stored).

2. As for **Claim 2**, Yuen et al. teach first input means allowing selection of stored parameters identifying a previously selected program, wherein said selection causes tuning and display of the previously selected program in the second display area of the

Art Unit: 2614

display unit (see fig. 2 unit 45 Last Channel, and pg. 8 lines 33-38 “to utilize the last channel recall feature, the viewer pushes the GUIDE/TV button to exit the guide mode while the cursor is positioned on the last channel listing 45, which controls the microprocessor to retrieve the channel designated for the LCF from the last channel register 34 and to control the tuner to tune the LCF. Hence, the program being telecast on the LCF is displayed full screen upon returning to the television viewing mode.”)

3. As for **Claim 3**, Yuen et al. teach a second input means allowing selection of the program currently being displayed in the second display area of the display unit for full screen display. The claim language “allowing selection of the program currently being displayed” is interpreted to be broad enough by the examiner that a passive state of a user of leaving a program to continue to be displayed in the second display area (which is interpreted in previous claims above to be full screen display) is inherently allowing the current program being displayed in the second display area of the display for full screen display.

4. As for **Claim 4**, Yuen et al. teach a third display generation means for generating display of a list of the programs stored in the storage means in a third display area of the display unit (see fig. 2 unit 45 Last Channel is interpreted to be the third display area that list the programs stored as the last channel viewed full screen).

Art Unit: 2614

5. As for **Claim 5**, Yuen et al. teach said first input means allows for stepwise sequential selection of the stored parameters (see fig. 2 unit 45 Last Channel, and pg. 8 lines 33-38 "to utilize the last channel recall feature, the viewer pushes the GUIDE/TV button to exit the guide mode while the cursor is positioned on the last channel listing 45, which controls the microprocessor to retrieve the channel designated for the LCF from the last channel register 34 and to control the tuner to tune the LCF. Hence, the program being telecast on the LCF is displayed full screen upon returning to the television viewing mode." The step of selecting the last channel stored is interpreted to be a stepwise sequential selection).

6. As for **Claim 6**, Yuen et al. teach third input means for allowing selection of a program from said list, wherein said selection causes tuning and display of the selected program in the second display area of the display unit (see fig. 2 unit 45 Last Channel, and pg. 8 lines 33-38 "to utilize the last channel recall feature, the viewer pushes the GUIDE/TV button to exit the guide mode while the cursor is positioned on the last channel listing 45, which controls the microprocessor to retrieve the channel designated for the LCF from the last channel register 34 and to control the tuner to tune the LCF. Hence, the program being telecast on the LCF is displayed full screen upon returning to the television viewing mode.").

7. As for **Claim 7**, Yuen et al. teach fourth input means for allowing selection from said list of a program currently being displayed in the second display area of the display unit,

Art Unit: 2614

wherein said selection causes full screen display of the selected program on the display unit (see fig. 2 unit 45 Last Channel, and pg. 8 lines 33-38 "to utilize the last channel recall feature, the viewer pushes the GUIDE/TV button to exit the guide mode while the cursor is positioned on the last channel listing 45, which controls the microprocessor to retrieve the channel designated for the LCF from the last channel register 34 and to control the tuner to tune the LCF. Hence, the program being telecast on the LCF is displayed full screen upon returning to the television viewing mode.").

10. As for **Claim 10**, Yuen et al. teach said electronic program guide system is incorporated in an integrated receiver decoder. See fig. 1 and pg. 4 line 25 "Fig. 1 is a schematic block diagram of a television receiver that has an EPG" The television receiver is interpreted to be an integrated receiver decoder.

13. As for **Claim 13**, Yuen et al. teach said electronic program guide system is incorporated in a television receiver. See fig. 1 and pg. 4 line 25 "Fig. 1 is a schematic block diagram of a television receiver that has an EPG"

22. As for **Claim 22**, Yuen et al. teach a method for browsing programs selected for display in a second display area of an electronic program guide system associated with a broadcast receiver (see fig. 2 and page 1 lines 7-9 "This invention relates to the field of television and more particularly to a method and apparatus for switching between a television viewing mode and a program guide mode in which video programs and

Art Unit: 2614

related text are displayed simultaneously on a television screen”) comprising the steps of:

receiving at least one electronic program guide corresponding to a broadcast system (see fig. 7 unit 20 TV is interpreted to be the means to receive the electronic program guide);

generating display of said electronic program guide in a first display area of a display unit associated with said broadcast receiver (fig. 1 unit 24 Microprocessor and unit 30 Video Processor meet the limitation for the display generation means. See pg. 5 lines 9-12 “the program listings are coded by day of the week, time of day, and channel so that they can be accessed by the microprocessor 24 when necessary to supply program schedule information to video processor 30 to compose the program listings and the program descriptions.” See fig. 2 unit 46 program listings, pg. 6 lines 36-37 “Area 46 has a column for time and a column for program title, each line of area 46 represents a separate program listings.” Area 46 is interpreted to be the first display area);

selecting a desired program from said electronic program guide (see fig. 6 unit 50 Remote control, pg. 6 lines 26-28 “When the Guide/TV button is pressed this time, the channel data in video processor is retrieved by microprocessor 24 and transmitted to tuner 11 to set tuner to the highlighted channel, e.g. FOX 11, the case illustrated in FIG. 2”);

controlling a tuner of the associated broadcast receiver to tune to the selected program (see fig. 1 unit 24 Microprocessor and unit 11 Tuner, pg. 5 lines 26-29 “by

Art Unit: 2614

comparing the cursor position in the register 32 with the channel corresponding to the highlighted area of the video processor 30, the channel of the highlighted program is derived and coupled to the microprocessor 24. **The microprocessor 24 then sets the tuner 11 to this channel.**”);

generating display of the selected program in the second display area of said display unit (see pg. 5 lines 30-33 “When the viewer finds the video program he or she wishes to watch, the viewer leaves the EPG. As a result, the microprocessor 24 switches the PIP chip 19 out of the PIP mode, such that the video program inputted from the tuner 11 is displayed full screen”. Full screen is interpreted to be the second display area of said display unit);

storing parameters identifying said selected program (see fig. 1 unit 34 Last Channel Register, pg. 4 lines 31-32 “When the receiver is in the television viewing mode, the channel to which tuner 11 is set is stored in register 34.”);

repeating the controlling, generating and storing steps for each subsequently made program selection (see pg. 4 lines 33-34 “Each time tuner 11 is set to a new channel, the last channel data in register 34 is updated”. Also see pg. 4 lines 22-24 “A television system according to the present invention provides the viewer with a last channel recall feature which allows the viewer to return to the last channel displayed full screen from the guide mode”. It is interpreted that the parameter of the channel that is displayed in full screen (second display area) is stored).

Art Unit: 2614

23. As for **Claim 23**, Yuen et al. teach selecting stored parameters identifying a previously selected program; controlling a tuner of the associated broadcast receiver to tune to the program identified by the selected parameters; generating display of the program identified by the selected parameters in the second display area of said display unit (see fig. 2 unit 45 Last Channel, and pg. 8 lines 33-38 "to utilize the last channel recall feature, the viewer pushes the GUIDE/TV button to exit the guide mode while the cursor is positioned on the last channel listing 45, which controls the microprocessor to retrieve the channel designated for the LCF from the last channel register 34 and to control the tuner to tune the LCF. Hence, the program being telecast on the LCF is displayed full screen upon returning to the television viewing mode.").

24. As for **Claim 24**, Yuen et al. teach selecting the program currently being displayed in the second display area of the display unit for full screen display (The second display area is interpreted to be a full screen display. Therefore, when a user selects a program to be displayed in the second display area, the user is inherently selecting the program to be displayed in full screen).

25. As for **Claim 25**, Yuen et al. teach generating display of a list of the programs stored in the storage means in a third display area of the display unit (see fig. 2 unit 45 Last Channel is interpreted to be the third display area that list the programs stored as the last channel viewed full screen).

Art Unit: 2614

26. As for **Claim 26**, Yuen et al. teach inputting stepwise sequential selection of the stored parameters (see fig. 2 unit 45 Last Channel, and pg. 8 lines 33-38 "to utilize the last channel recall feature, the viewer pushes the GUIDE/TV button to exit the guide mode while the cursor is positioned on the last channel listing 45, which controls the microprocessor to retrieve the channel designated for the LCF from the last channel register 34 and to control the tuner to tune the LCF. Hence, the program being telecast on the LCF is displayed full screen upon returning to the television viewing mode." The step of selecting the last channel stored is interpreted to be a stepwise sequential selection).

27. As for **Claim 27**, Yuen et al. teach selecting a program from said list; controlling a tuner of the associated broadcast receiver to tune to the program selected; generating display of the program selected in the second display area of said display unit (see fig. 2 unit 45 Last Channel, and pg. 8 lines 33-38 "to utilize the last channel recall feature, the viewer pushes the GUIDE/TV button to exit the guide mode while the cursor is positioned on the last channel listing 45, which controls the microprocessor to retrieve the channel designated for the LCF from the last channel register 34 and to control the tuner to tune the LCF. Hence, the program being telecast on the LCF is displayed full screen upon returning to the television viewing mode.").

28. As for **Claim 28**, Yuen et al. teach selecting from said list a program currently being displayed in the second display area of the display unit; generating full screen display of

Art Unit: 2614

the selected program on the display unit (The second display area is interpreted to be a full screen display. Therefore, when a user selects a program to be displayed in the second display area, the user is inherently selecting the program to be displayed in full screen).

33. As for **Claim 33**, all the limitations of Claim 33 fall within the limitations of Claim 1.

The limitations of claims 33 are analyzed and rejected as discussed above with reference to Claim 1. Claim 33 further requires a computer program product stored on a computer readable storage medium, comprising computer readable program code means for causing a computer to perform the limitations of the claim. The limitation of the computer program product is met by Fig. 1 unit 24 microprocessor of Yuen et al.

Also see Yuen et al. pg. 4 lines 27-28 "Microprocessor 24 is programmed to execute the functions described below." It is interpreted that Microprocessor 24 is a computer program product to carry out the limitations of the claim.

34. As for **Claim 34**, all the limitations of Claim 34 fall within the limitations of Claim 1.

The limitations of claims 34 are analyzed and rejected as discussed above with reference to Claim 1. Claim 34 further requires a computer program product directly loadable into the internal memory of a digital computer comprising software code portions for performing the limitations of the claim when said product is run on a computer. The limitation of the computer program product directly loadable into the internal memory of a digital computer comprising software code portions is met by Fig. 1 unit 24 microprocessor of Yuen et al. Also see Yuen et al. pg. 4 lines 27-28

Art Unit: 2614

"Microprocessor 24 is programmed to execute the functions described below." It is interpreted that Microprocessor 24 is a digital computer program product to carry out the limitations of the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **8-9,11, 15-18, 20 and 29-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al. (WO 97/34414) in view of Bates et al. (U.S. PG-Pub 2002/0152459).

8. As for **Claim 8**, Yuen et al. do not expressly teach a timer means, wherein said timer means is activated upon program selection and causes tuning and display of the selected program in the second display area of the display unit for a predetermined time and renewed tuning and display of the previously selected program in the second display area of the display unit upon elapse of the predetermined time. However, in the same field of endeavor, Bates et al. teach an interactive television system that monitors how long a user has been watching a particular channel and returns user to a pervious watched channel when the time elapsed watching the first channel is less than a threshold amount. See bates et al. [0005] "Recall of previous channel based on view

Art Unit: 2614

time may be implemented, for example, by monitoring the viewing time for a first television channel, switching to a second television channel and determining if view time exceeded a threshold, then storing first television channel as the channel of interest. After the viewer switches though a plurality of additional television channels to some final channel, remaining on none longer then the threshold period, the viewer activates the selective view function which returns him to the last channel of interest" and [0024] "Other examples of determining the initial program of interest to the user may include but are not limited to, **finding the program that was last viewed during the time slot,**". In light of the teaching of Bates et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teaching of Yuen et al. to have a timer means to monitor how long a user has been watching a program and tuning back to a previously selected channel when a predetermined amount of time elapses. One of ordinary skill in the art would have been motivated to do this in order to provide a fast method to return back to a channel of interest after a brief channel surf. See Bates et al. [0004] "A problem occurs when a viewer wishes to return to his or her show of interest. To do this the viewer has to either press the opposing up or down button the same number of times or enter the number for the channel of the show of interest . . . Therefore, a significant need exists in the art for a channel control that will allow the viewer to swap between the current surfing position and the show of interest so that the "territory" covered during a channel surf can be extended."

9. As for **Claim 9**, the modified Yuen et al. teaches fifth input means for allowing selection of the program being displayed in the second display area of the display unit for the predetermined time, wherein said selection causes full screen display of the selected program on the display unit (see fig. 2 unit 45 Last Channel, and pg. 8 lines 33-38 "to utilize the last channel recall feature, the viewer pushes the GUIDE/TV button to exit the guide mode while the cursor is positioned on the last channel listing 45, which controls the microprocessor to retrieve the channel designated for the LCF from the last channel register 34 and to control the tuner to tune the LCF. Hence, the program being telecast on the LCF is displayed full screen upon returning to the television viewing mode.").

11. As for **Claim 11**, the modified Yuen et al. in view of Bates et al. teaches said electronic program guide system is incorporated in a set-top box. See Bates et al. [0015] "However, it will be appreciated by those of ordinary skill in the art having benefit of the instant disclosure that such functionality may be implemented in any number of devices capable of providing program information to a user on one of a plurality of channels, including, for example, televisions, **cable set top boxes**, personal video recorders, computers, VCR's, audio tuners, etc."

15. As for **Claim 15**, Yuen et al. teach an electronic program guide system associated with a broadcast receiver in a broadcast system (see fig. 2 and page 1 lines 7-9 "This invention relates to the field of television and more particularly to a method and

Art Unit: 2614

apparatus for switching between a television viewing mode and a program guide mode in which video programs and related text are displayed simultaneously on a television screen”), said electronic program guide system comprising:

receiving means for receiving at least one electronic program guide corresponding to the broadcast system (see fig. 7 unit 20 TV is interpreted to be the means to receive the electronic program guide);

first display generation means for generating display of said electronic program guide in a first display area of a display unit associated with said broadcast receiver (fig. 1 unit 24 Microprocessor and unit 30 Video Processor meet the limitation for the display generation means. See pg. 5 lines 9-12 “the program listings are coded by day of the week, time of day, and channel so that they can be accessed by the microprocessor 24 when necessary to supply program schedule information to video processor 30 to compose the program listings and the program descriptions.” See fig. 2 unit 46 program listings, pg. 6 lines 36-37 “Area 46 has a column for time and a column for program title, each line of area 46 represents a separate program listings.” Area 46 is interpreted to be the first display area);

selecting means for selecting a desired program from said electronic program guide (see fig. 6 unit 50 Remote control, pg. 6 lines 26-28 “When the Guide/TV button is pressed this time, the channel data in video processor is retrieved by microprocessor 24 and transmitted to tuner 11 to set tuner to the highlighted channel, e.g. FOX 11, the case illustrated in FIG. 2” Remote control 50 is the selecting means for selecting a desired program from the electronic program guide.);

Art Unit: 2614

tuning means for controlling a tuner of the associated broadcast receiver to tune to the selected program (see fig. 1 unit 24 Microprocessor and unit 11 Tuner, pg. 5 lines 26-29 “by comparing the cursor position in the register 32 with the channel corresponding to the highlighted area of the video processor 30, the channel of the highlighted program is derived and coupled to the microprocessor 24. **The microprocessor 24 then sets the tuner 11 to this channel.**” Microprocessor 24 is interpreted to be the tuning means to control the tuner);

second display generation means for generating display of the selected program in a second display area of said display unit (see pg. 5 lines 30-33 “When the viewer finds the video program he or she wishes to watch, the viewer leaves the EPG. As a result, the microprocessor 24 switches the PIP chip 19 out of the PIP mode, such that the video program inputted from the tuner 11 is displayed full screen”. Microprocessor 24 is interpreted to be the second display generation means and the full screen is interpreted to be the second display area of said display unit);

storage means for storing parameters identifying said selected program (see fig. 1 unit 34 Last Channel Register, pg. 4 lines 31-32 “When the receiver is in the television viewing mode, the channel to which tuner 11 is set is stored in register 34.”);

However, Yuen et al. do not expressly teach a timer means; and wherein an additional program selection causes tuning and display of the additionally selected program in the second display area and wherein said timer means is activated upon additional program selection and causes tuning and display of the additionally selected program in the

Art Unit: 2614

second display area of the display unit for a predetermined time and renewed tuning and display of the previously selected program in the second display area of the display unit upon elapse of the predetermined time. In the same field of endeavor, However, in the same field of endeavor, Bates et al. teach an interactive television system that monitors how long a user has been watching a particular channel and returns user to a pervious watched channel when the time elapsed watching the first channel is less than a threshold amount. See bates et al. [0005] "Recall of previous channel based on view time may be implemented, for example, by monitoring the viewing time for a first television channel, switching to a second television channel and determining if view time exceeded a threshold, then storing first television channel as the channel of interest. After the viewer switches though a plurality of additional television channels to some final channel, remaining on none longer then the threshold period, the viewer activates the selective view function which returns him to the last channel of interest" and [0024] "Other examples of determining the initial program of interest to the user may include but are not limited to, **finding the program that was last viewed during the time slot,**". In light of the teaching of Bates et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teaching of Yuen et al. to have a timer means to monitor how long a user has been watching a program and tuning back to a previously selected channel when a predetermined amount of time elapses. One of ordinary skill in the art would have been motivated to do this in order to provide a fast method to return back to a channel of interest after a brief channel surf. See Bates et al. [0004] "A problem occurs when a viewer wishes to

Art Unit: 2614

return to his or her show of interest. To do this the viewer has to either press the opposing up or down button the same number of times or enter the number for the channel of the show of interest . . . Therefore, a significant need exists in the art for a channel control that will allow the viewer to swap between the current surfing position and the show of interest so that the "territory" covered during a channel surf can be extended."

16. As for **Claim 16**, the modified Yuen et al. in view of Bates et al. teaches fifth input means for allowing selection of the program being displayed in the second display area of the display unit for the predetermined time, wherein said selection causes full screen display of the selected program on the display unit. See Yuen et al. fig. 2 unit 45 Last Channel, and pg. 8 lines 33-38 "to utilize the last channel recall feature, the viewer pushes the GUIDE/TV button to exit the guide mode while the cursor is positioned on the last channel listing 45, which controls the microprocessor to retrieve the channel designated for the LCF from the last channel register 34 and to control the tuner to tune the LCF. Hence, the program being telecast on the LCF is displayed full screen upon returning to the television viewing mode."

17. As for **Claim 17**, the modified Yuen et al. in view of Bates et al. teaches said electronic program guide system is incorporated in an integrated receiver decoder. See Bates et al. [0015] "However, it will be appreciated by those of ordinary skill in the art having benefit of the instant disclosure that such functionality may be implemented in

Art Unit: 2614

any number of devices capable of providing program information to a user on one of a plurality of channels, including, for example, televisions, **cable set top boxes**, personal video recorders, computers, VCR's, audio tuners, etc." The cable set top box is interpreted to be an integrated receiver decoder.

18. As for **Claim 18**, the modified Yuen et al. in view of Bates et al. teaches said electronic program guide system is incorporated in a set-top box. See Bates et al. [0015] "However, it will be appreciated by those of ordinary skill in the art having benefit of the instant disclosure that such functionality may be implemented in any number of devices capable of providing program information to a user on one of a plurality of channels, including, for example, televisions, **cable set top boxes**, personal video recorders, computers, VCR's, audio tuners, etc."

20. As for **Claim 20**, the modified Yuen et al. in view of Bates et al. teaches said electronic program guide system is incorporated in a television receiver. See Bates et al. [0015] "However, it will be appreciated by those of ordinary skill in the art having benefit of the instant disclosure that such functionality may be implemented in any number of devices capable of providing program information to a user on one of a plurality of channels, including, for example, **televisions**, cable set top boxes, personal video recorders, computers, VCR's, audio tuners, etc."

29. As for **Claim 29**, Yuen et al. do not expressly teach activating timer means upon program selection; controlling a tuner of the associated broadcast receiver to tune to the selected program for a predetermined time; generating display of the selected program in the second display area of said display unit for the predetermined time; controlling the tuner of the associated broadcast receiver to tune to the previously selected program upon elapse of the predetermined time; generating display of the previously selected program in the second display area of said display unit upon elapse of the predetermined time. However, in the same field of endeavor, Bates et al. teach an interactive television system that monitors how long a user has been watching a particular channel and returns user to a pervious watched channel when the time elapsed watching the first channel is less than a threshold amount. See bates et al. [0005] "Recall of previous channel based on view time may be implemented, for example, by monitoring the viewing time for a first television channel, switching to a second television channel and determining if view time exceeded a threshold, then storing first television channel as the channel of interest. After the viewer switches though a plurality of additional television channels to some final channel, remaining on none longer then the threshold period, the viewer activates the selective view function which returns him to the last channel of interest" and [0024] "Other examples of determining the initial program of interest to the user may include but are not limited to, **finding the program that was last viewed during the time slot,**". In light of the teaching of Bates et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teaching of Yuen et al. to have a

Art Unit: 2614

timer means to monitor how long a user has been watching a program and tuning back to a previously selected channel when a predetermined amount of time elapses. One of ordinary skill in the art would have been motivated to do this in order to provide a fast method to return back to a channel of interest after a brief channel surf. See Bates et al. [0004] "A problem occurs when a viewer wishes to return to his or her show of interest. To do this the viewer has to either press the opposing up or down button the same number of times or enter the number for the channel of the show of interest . . . Therefore, a significant need exists in the art for a channel control that will allow the viewer to swap between the current surfing position and the show of interest so that the "territory" covered during a channel surf can be extended."

30. As for **Claim 30**, Yuen et al. teach selecting the program being displayed in the second display area of the display unit for the predetermined time; and generating full screen display of the selected program on the display unit. The second display area is interpreted to be a full screen display. Therefore, when a user selects a program to be displayed in the second display area, the user is inherently selecting the program to be displayed in full screen

31. As for **Claim 31**, all the limitations of Claim 31 fall within the limitations of Claims 1 and 15. The limitations of claims 31 are analyzed and rejected as discussed above with reference to Claims 1 and 15.

Art Unit: 2614

32. As for **Claim 32**, all the limitations of Claim 32 fall within the limitations of Claim 16.

The limitations of claims 32 are analyzed and rejected as discussed above with reference to Claim 16.

Claims **12**, and **14**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al. (WO 97/34414) in view Darbee et al. (U.S. Patent # 6,130,726)

19. As for **Claims 12 and 14**, Yuen et al. do not expressly teach said electronic program guide system is incorporated in a mobile handset and/or mobile display appliance. However, in the same field of endeavor, Darbee et al. teach a hand held remote control unit that is configured to display electronic program guide. See Darbee et al. fig. 1 unit 14 display and col. 5 lines 3-5 "FIG. 1 is a top plan view of a remote control in accordance with one form of the present invention and having a visual display for displaying a program guide, an advertisement or other information." The remote control unit is interpreted to be a mobile handset and/or mobile display appliance. In light of the teaching of Darbee et al., it would have been obvious to one of ordinary skill at the time the invention was made to have modified the teaching of Yuen et al. to have the electronic program guide be displayed on a remote control unit. One of ordinary skill in the art would have been motivated to do this in order to provide the electronic program guide to a user without interrupting the programming that is being displayed on the television. See Darbee et al. col. 2 lines 46-49 "the present invention is directed

Art Unit: 2614

to a remote control unit having a graphic display for depicting program scheduling and/or advertising information without causing an interruption in content that is being depicted on an associated television monitor.”

Claims **19** and **21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al. (WO 97/34414) in view in view of Bates et al. (U.S. PG-Pub 2002/0152459) in further view of Darbee et al. (U.S. Patent # 6,130,726)

19. As for **Claims 19 and 21**, neither Yuen et al. nor Bates et al. expressly teach said electronic program guide system is incorporated in a mobile handset and/or mobile display appliance. However, in the same field of endeavor, Darbee et al. teach a hand held remote control unit that is configured to display electronic program guide. See Darbee et al. fig. 1 unit 14 display and col. 5 lines 3-5 “FIG. 1 is a top plan view of a remote control in accordance with one form of the present invention and having a visual display for displaying a program guide, an advertisement or other information.” The remote control unit is interpreted to be a mobile handset and/or mobile display appliance. In light of the teaching of Darbee et al., it would have been obvious to one of ordinary skill at the time the invention was made to have modified Yuen et al. in view of Bates et al. to have the electronic program guide be displayed on a remote control unit. One of ordinary skill in the art would have been motivated to do this in order to provide the electronic program guide to a user without interrupting the programming that is being displayed on the television. See Darbee et al. col. 2 lines 46-49 “the present

Art Unit: 2614

invention is directed to a remote control unit having a graphic display for depicting program scheduling and/or advertising information without causing an interruption in content that is being depicted on an associated television monitor.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirubel Aklilu whose telephone number is 571-272-7342. The examiner can normally be reached on 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelly can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER